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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,851	01/18/2002	Masahiko Yokota	00684.003313	1341
5514	7590	09/19/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			WORKU, NEGUSSIE	
			ART UNIT	PAPER NUMBER

2626

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,851

Applicant(s)

YOKOTA ET AL.

Examiner

Negussie Worku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 5 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.
2. Applicant please note that claim 6, is missing. In accordance with 37CFR 1.121 claims 7-11 have been renumbered. A marked up copy is attached.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6, 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe (USP 4,623,937).

With respect to claim 1, Watanabe et al. discloses an image reading apparatus (image forming of fig 3) comprising: an original carriage for carrying an original (guide plate 48 of fig 3, to automatically feed or move paper sheet or document, col.3 lines 14-17); a reading element (scanning unit 54 of fig 4), for reading an original image with

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relative movement there between, (col.3, lines 20-24) said reading element (CCD sensor 64 of fig 4, col.3, lines 35-37) having a configuration elongated in a direction crossing with a direction of the movement, (col.4, lines 25-29); a supporting member (carriage 58 of fig 4, for supporting image reading unit 64 of fig 4, col.4, line 24-27) for supporting said image reading unit (CCD sensor 64 of fig 4); moving means (motor 76 of fig 4 of fig 4, col.4, lines 2-30) for driving said supporting member (carriage 58 of fig 4, for supporting image reading unit 64 of fig 4) to impart the relative movement (col.4, line 24-27); a first positioning portion (rail shaft 70 of fig 4, in conjunction with drive mechanism 74, such as motor 76, belt 82 are the first positing portion for moving the scanner relative to the document supporting member) for determining a position, in the longitudinal direction, of said reading element relative to said supporting member, see col.4, lines 10-25); and a second positioning portion (the end carriage 58 supported by rail shaft 72 and 73, which are the second positioning portion for moving the scanner relative to the document supporting member) for determining a position of said reading element in the moving direction, said second positioning portion supporting said reading element (CCD image sensor 64 of fig 4) while permitting movement thereof in the longitudinal direction relative to said supporting member (document support member document table 14 of fig 5).

With respect to claim 2, Watanabe et al. discloses an image reading apparatus (image forming of fig 3), wherein a plurality of said second positioning portions are provided, (driving mechanism 74, having plurality of element such as end carriage 58

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supported by rail shaft 72 and 73, which are the second positioning portion for moving the scanner relative to the document supporting member) and said first positional portion is disposed between said second positioning portions (col.4, lines 10-25).

With respect to claim 3, Watanabe et al. discloses an image reading apparatus (image forming of fig 3), wherein said first positional portion (carriage 58 is positioned in the central portion of the scanner 54 of fig 4) is provided substantially at a central portion of said reading element (CCD 64 of fig 4).

With respect to claim 4, Watanabe et al. discloses an image reading apparatus (image forming of fig 3), wherein said first positioning portion permits movement of said reading element relative to said supporting member in the moving direction (rail shaft 70 of fig 4, in conjunction with drive mechanism 74, such as motor 76, belt 82 are the first positioning portion for moving the scanner relative to the document supporting member, see col.4, lines 10-25).

With respect to claim 6, Watanabe et al. discloses an image reading apparatus (image forming of fig 3), wherein a plurality of said second positioning portions are provided, (driving mechanism 74, having plurality of element such as end carriage 58 supported by rail shaft 72 and 73, which are the second positioning portion for moving the scanner relative to the document supporting member and are provided at the

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opposite end of reading member 64 of fig 4), and they are provided adjacent opposite ends of said reading member (CCD sensor 64 of fig 4).

With respect to claim 8, Watanabe et al. discloses an image reading apparatus (image forming of fig 3), wherein said reading element (scanner 54 of fig 3) includes reading means (CCD image sensor 64 of fig 4) for reading the image and a light source (light source 56 of fig 5).

With respect to claim 9, Watanabe et al. discloses an image reading apparatus (image forming of fig 3), wherein said reading element (CCD sensor 64 of fig 4) includes a light guide member (mirror 60 of fig 4) for guiding light from said light source, (56 of fig 5) and imaging means (CCD 64 of fig 4) for imaging reflected light from the original on said reading means (64 of fig 4).

With respect to claim 10, Watanabe et al. discloses an image reading apparatus (image forming of fig 3), wherein said image reading apparatus is usable with an image forming apparatus (54 of fig 3) for forming an image on a recording material on the basis of image information read by image reading means (64 of fig 4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (USP 4,623,937) in view of Costrop et al. (USP 5,194,898).

With respect to claim 5, Watanabe, discloses every limitation of claim 1, on which claim 5 is depended on.

However, watanabe does not disclose, wherein said first positioning portions includes a boss and claw portions nipping said boss, and said reading element and said supporting member have either one of said boss and said claw portion.

Costrop et al. in the same area image forming apparatus teaches or discloses a boss and claw portions nipping said boss, (a guide or a trucking member in the form of ball race (ball bushing) 19 of fig 1, col.6, lines 5-15), and said reading element and said supporting member (document support 2 of fig 1) have either one of said boss and said claw portion, (a guide or a trucking member in the form of ball race (ball bushing), col.6, lines 57-60).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging apparatus of (Watanabe) to include: a boss and claw portions nipping said boss, and said reading element and said supporting member have either one of said boss and said claw portion.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Watanabe imaging device by the teaching of Costrop et al., for the purpose avoiding the displacement or the deviations of the optical system resulting imperfect of focusing of the optical image but also in variations in the illumination intensity of the document, as disclosed by Costrop et al. in col.1, lines 50-60.

With respect to claim 7, Watanabe, discloses every limitation of claim 1, on which claim 7 is depended on.

However, watanabe does not disclose a boss and a hole which is elongated in the longitudinal direction of the reading element and which is engage able with said boss, and said reading element and said supporting member have either one of said boss and said elongated hole.

Costrop et al. in the same area image forming apparatus teaches or discloses a boss and a hole portions nipping said boss, (a guide or a trucking member in the form of ball race (ball bushing) 19 of fig 1, col.6, lines 5-15), and said reading element and said supporting member (document support 2 of fig 1) have either one of said boss and said elongated hole, (a guide or a trucking member in the form of ball race (ball bushing), col.6, lines 57-60).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging apparatus of (Watanabe) to include: a boss and a hole which is elongated in the longitudinal direction of the reading element and which is engage able with said boss, and said reading

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element and said supporting member have either one of said boss and said elongated hole.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Watanabe imaging device by the teaching of Costrop et al., for the purpose avoiding the displacement or the deviations of the optical system resulting imperfect of focusing of the optical image but also in variations in the illumination intensity of the document, as disclosed by Costrop et al. in col.1, lines 50-60.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 571-272-7472. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-571-273-8300.

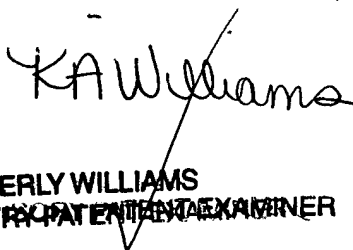
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Negussie Worku
Patent Examiner
Art unit 2626
July 5, 2005



KIMBERLY WILLIAMS
SUPERVISOR PATENT EXAMINER